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Date: October 23, 2003

By: Lynnea Anderson
Lynnea Anderson



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Rodriguez *et al.*

APPLICATION No.: 09/932,328

FILED: August 17, 2001

FOR: **PLANT SELECTABLE MARKER AND
PLANT TRANSFORMATION METHOD**

EXAMINER: Fox, D.

ART UNIT: 1638

CONFIRMATION No.: 4810

**Information Disclosure Statement After First Office Action but
Before Final Action or Notice of Allowance – 37 CFR 1.97(c)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Timing of Submission

The information transmitted herewith is being filed *after* three months of the filing date of this application or after the mailing date of the first Office action on the merits, whichever occurred last, but *before* the mailing date of either a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, whichever occurs first. The references listed on the enclosed Form PTO/SB/08A may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information

☒ Copies of the following references can be found in parent U.S. Application No. 09/344,438 (U.S. Patent No. 6,284,956 B1):

- ☒ All cited references
- ☐ References marked by asterisks
- ☐ The following:

11/05/2003 SDENB081 00000072 09932328

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3. Effect of Information Disclosure Statement (37 CFR 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment (37 CFR 1.97(c)) or Certification (37 CFR 1.97(e))

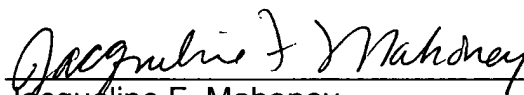
- ☒ Applicant elects to pay the fee under 37 CFR 1.17(p) \$180.00.
- ☒ Check enclosed for \$180.00.
- ☒ Please charge any underpayment for timely filing of this paper to Deposit Account No. 50-2207.

5. Patent Term Adjustment (37 CFR 1.704(d))

- ☐ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. §1.704(d).

Respectfully submitted,
Perkins Coie LLP

Date: Oct. 23, 2003


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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
Form PTO-1449 (Modified)
Use several sheets if necessary)

COMPLETE IF KNOWN

Application Number	09/932,328
Filed	August 17, 2001
First Named Inventor	Rodriguez
Group Art Unit	1638
Examiner Name	Fox, D.
Atty Dkt No.	50665-8009.US01

Sheet 1 of 1

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Figures Appear
		NUMBER	Kind Code (if known)			
		5,420,034		Kridl et al.	05/1995	

FOREIGN PATENT DOCUMENTS

Examiner Initial	Cite No.	Foreign Patent or Application			Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Figures Appear	T
		Office	NUMBER	Kind Code (if known)			
		WO	93/05164		03/1993		

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T
		Hadi et al. Plant Cell Reports 15: 500-505, 1996.	
		Li et al. Plant Cell Reports 12: 250-255, 1993.	
		Simmons et al. Plant Molecular Biology 18:33-45, 1992.	
		Kim et al. Plant Molecular Biology 24:105-117, 1994.	
		Mol. Biol. of the Cell, Garland Publishing, Inc., New York, NY pp. 551-612, 1989.	
		Chan et al. Plant Mol. Biol. 22: 491-506, 1993.	
		Chen, L., et al., "Expression and inheritance of multiple transgenes in rice plants" Nature Biotechnology 16:1060-1064 (1988).	
		Micheltmore, R., "Big news for plant transformation" Nature Biotechnology 14:1653-1654 (1996).	
		Shimamoto, K., et al., "Fertile transgenic rice plants regenerated from transformed protoplasts" Nature 338:274-276 (1989).	
		Shizuya, H., et al., "Cloning and stable maintenance of 300-kilobase-pair fragments of human DNA in Escherichia coli using an F-factor-based vector" Proc. Natl. Acad. Sci. USA 89:8794-8797 (1992).	
		Yang, D., et al., "Construction of a bacterial artificial chromosome (BAC) library and identification of overlapping BAC clones with chromosome 4-specific RFLP markers in rice" Theor Appl Genet 95:1147-1154 (1997).	

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).	